

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BY HANDCARRYING

In re Application of: WALLACH et al

Art Unit: 1644

Application No.: 08/485,129

Examiner: R. Schwadron

Filed: June 7, 1995

Washington, D.C.

For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR BINDING ...

Atty.'s Docket: WALLACH=5B

#23

Date: July 8, 1999

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sir:

Transmitted herewith is a [] Amendment [XX] Supplemental Communication and 3 certified Israel priority documents (91229, 94039 and 90339 in

the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

[] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[XX] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL * MINUS * * *		=
INDEP. * MINUS * * *		

SMALL ENTITY		OTHER THAN A SMALL ENTITY		
RATE	ADDITIONAL FEE	OR	RATE	
x 9	\$		x 18	\$
x 39	\$		x 78	\$
+130	\$		+ 260	\$
TOTAL ADDITIONAL FEE		OR	TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 55.00
- [] Second - \$190.00
- [] Third - \$435.00
- [] Fourth - \$680.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

- [] First - \$ 110.00
- [] Second - \$ 380.00
- [] Third - \$ 870.00
- [] Fourth - \$1360.00

Month After Time Period Set

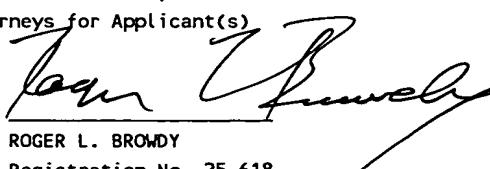
[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no. _____).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By: 
ROGER L. BROWDY
Registration No. 25,618

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Facsimile: (202) 737-3528
Telephone: (202) 628-5197

RLB:al

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BY HANDCARRYING

In re Application of:)	Art Unit: 1644
)	
David WALLACH et al)	Examiner: R. Schwadron
)	
Appln. No.: 08/485,129)	Washington, D.C.
)	
Filed: June 7, 1995)	July 8, 1999
)	
For: ISOLATED DNA ENCODING TUMOR)		Atty. Docket: WALLACH=5B
NECROSIS FACTOR BINDING)	
PROTEIN II, AND VECTORS,)	
HOSTS AND PROCESSES USING)	
SUCH DNA)	

SUPPLEMENTAL COMMUNICATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Supplementing the amendment filed on May 25, 1999,
applicant has now obtained additional certified copies of the
three Israeli priority documents 91229, 94039 and 90339 and same
are attached hereto. Acknowledgment by the PTO of the receipt
of these priority documents is respectfully requested.

It is believed that the submission of these priority
documents now obviates the rejection of claims 11-13, 35-38, 43,
44 and 46-49 under 35 USC 102(e) as being anticipated by the
Smith reference of record in this case. Applicants believe that
with the submission of these priority documents, the examiner
can now fully satisfy himself that the claims now present in the
case are supported at least by the earliest of these priority
documents, i.e., Israel application 90,339 filed May 18, 1989.
Reconsideration and withdrawal of this rejection are therefore
respectfully urged.

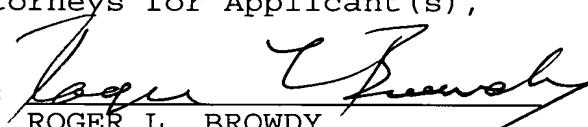
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It is again submitted that all of the claims now present in the case clearly define over the references of record. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s),

By: 
ROGER L. BROWDY
Registration No. 25,618

RLB:al
419 Seventh Street, N.W.
Washington, D.C. 20004
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528

roger\amd\wallac5b.sup